IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.A.No.149 of 2013 in
C.W.P. No. 9533 of 2000 (O&M)
Date of Decision: October 09, 2018

Balwinder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL

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Present: Mr.Kashmir Singh, Advocate for
Mr. Surinder Garg, Advocate,
for the non-applicants/petitioners in CWP No.17791 of 2000.

None for the petitioners in CWP No.9533 of 2000.

Mr. Pankaj Gupta, Additional Advocate General, Punjab.

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AMIT RAWAL, J.

Review Applications No.149 and 242 of 2003, CWP Nos.9533 and 17791 of 2000 are being disposed of together by this common order.

CM No.7241 of 2003 in RA No.149 of 2003

For the reasons stated in the application, which is supported by an affidavit, delay in filing the review application is condoned.

CM stands disposed of.

RA No.149 of 2003 in CWP No.9533 of 2000 (O&M)
RA No.242 of 2003 in CWP No.17791 of 2000 O&M)

Respondent-State of Punjab has preferred the aforementioned review applications seeking review of the orders dated 21.02.2002, whereby

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the aforementioned writ petitions filed by the non-applicant/petitioners seeking grant of one premature increment on account of non-participation in the strike observed on 08.02.1978 which was not granted owing to the fact that they were adhoc employees, were disposed of in view of the decision dated 17.01.2002 passed in CWP No.19057 of 2001 titled as Surinder Singh & others Versus Secretary to Government of Punjab, Department of Education and others. In the order dated 17.01.2002, the stand taken by the State with regard to the non-grant of the aforementioned benefit to the adhoc employees vis-a-vis regular employees was negated.

It has been apprised that State of Punjab in order to prevent the strike call given by the Government employees on 08.02.1978 had allured the employees by granting the benefit of one premature increment to the regular employees. However, the adhoc employees also wanted the benefit extended to the regular employees who were not party in the strike. The matter came to be decided by the Full Bench of this Court in CWP No.14874 of 1995 and the decision of the Government denying the increment was upheld, but this Court was not apprised the decision rendered by the Full Bench and CWP No.19057 of 2001, as noticed above, was decided in favour of the adhoc employees and in these circumstances, the present writ petitions were also allowed while relying upon the decision rendered in CWP No.19057 of 2001.

The State has brought to the notice of this Court the order dated 12.02.2015 passed by Hon'ble the Supreme Court, whereby the order dated 17.01.2002 passed in CWP No.19057 of 2001 and order dated 12.09.2003 rendered in Review Petition No.329 of 2002, had been set aside. The aforementioned fact is not controverted by the learned counsel for the non-

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applicant. In such circumstances, we are of the view that the order dated 21.02.2002 is not in tandem with the decision rendered by the Full Bench and as well as the observations of the Hon'ble Supreme Court in the order dated 12.02.2015.

In view of the above, Review Applications are allowed and the the orders dated 21.02.2002 are recalled.

CWP Nos.9533 & 17791 of 2000

Since the petitioners are adhoc employees, therefore, they are not entitled to get the benefit of circular issued by the State in extending the benefit of the premature increment to the employees who had not participated in the strike on 08.02.1978, therefore, the relief aforementioned sought in the present writ petitions cannot be granted. Resultantly, the writ petitions stand dismissed.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 09, 2018
ramesh

Whether speaking/reasoned **Yes/No**

Whether Reportable: **Yes/No**

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